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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,801	01/21/2005	Mattia De Dominicis	102792-401(11044P6)	3763
27389	7590	08/14/2006		
NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER BOYER, CHARLES I	
			ART UNIT 1751	PAPER NUMBER

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/521,801

Applicant(s)

DE DOMINICIS ET AL.

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Morganson, US 4,090,974.

Morganson teaches a granular carpet cleaning composition comprising phosphate and silicate builders and a nonionic surfactant (col. 3, example 1) wherein the composition is diluted in a steam cleaning machine, applied to carpets, and then vacuumed off (col. 3, lines 25-37). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al, US 2003/0139310.

Smith et al teach a solid carpet cleaning composition wherein the composition is

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a tablet or block diluted in water to form a liquid use composition, which is then used in a carpet cleaning machine (page 17, paragraphs 213-218). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-3, 5, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Weisensel, US 4,336,165.

Weisensel teaches a powdered carpet cleaning composition comprising phosphate, carbonate, and silicate builders, a nonionic surfactant, and a cationic surfactant (satisfies the surfactant and super-wetting agent limitation of the present claims) (col. 7, example 1), wherein the composition is diluted in a steam cleaning machine and applied to carpets (col. 8, lines 3-9). With respect to the resulting surface tension of water, the example maintains that as the composition of the reference contains the same components as that presently claimed, it will inherently possess this property. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernholz et al, US 5,858,299.

Fernholz et al teach a detergent tablet comprising phosphate, carbonate, and silicate builders, a nonionic surfactant, and an anionic surfactant (satisfies the surfactant and super-wetting agent limitation of the present claims) (col. 34, example 1.34). With respect to the resulting surface tension of water, the example maintains that as the

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composition of the reference contains the same components as that presently claimed, it will inherently possess this property. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-3, 5, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Scialla et al, US 4,336,165.

Scialla et al teach granular or powdered carpet cleaning compositions comprising builder, a mixture or amine oxide surfactants, and an anionic surfactant (satisfies the surfactant and super-wetting agent limitation of the present claims) (col. 14, examples I and II), wherein the composition is diluted and used in carpet cleaning machines (col. 13, lines 56-64 and col. 14, lines 41-43). With respect to the resulting surface tension of water, the example maintains that as the composition of the reference contains the same components as that presently claimed, it will inherently possess this property. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawson et al, US 6,578,224.

Lawson et al teach a solid carpet cleaning composition wherein the composition is diluted in the reservoir of a carpet cleaning machine and applied to carpets (col. 4, lines 28-35). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 6, 8, and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Moore et al, US 2002/0082187.

Moore et al teach a detergent tablet comprising phosphate, carbonate, and silicate builders, a nonionic surfactant, and an anionic surfactant (satisfies the surfactant and super-wetting agent limitation of the present claims) (col. 34, example 1.34). With respect to the resulting surface tension of water, the example maintains that as the composition of the reference contains the same components as that presently claimed, it will inherently possess this property. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al, US 2003/0139310.

Smith et al are relied upon as set forth above. Recall that Smith et al teach a solid carpet cleaning composition wherein the composition is a tablet or block diluted in water to form a liquid use composition, which is then used in a carpet cleaning machine. An example of such a solid carpet cleaning composition comprises builder, nonionic

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surfactant, and chelant (page 20, example 3). Mixtures of surfactants are taught as suitable in these compositions (page 22, claims 40 and 41) and suitable additives of the invention include a defoamer, effervescent agent, perfume, tablet dissolution aid (page 13, paragraph 166) and water as a processing aid (page 16, paragraph 210). The reference does not specifically teach a surfactant and a super wetting agent, however, as mixtures of surfactants are contemplated by the reference, the examiner maintains it would have obvious to one of ordinary skill in the art to formulate a solid carpet cleaner with at least two surfactants and so render obvious the claims at hand. Furthermore, such a composition, once formed, will exhibit the surface tension presently claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Charles I Boyer
Primary Examiner
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